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CODE OF ETHICS
FOR GOVERNMENT SERVICE

Any Person In Government Service Should:

Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

Uphold the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.

Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest and best thought.

Seek to find and employ more efficient and economical ways of getting tasks accomplished.

Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

Never use any information coming to him confidentially in the performance of governmental duties as a means for making profit.

Expose corruption wherever discovered.

Uphold these principles, ever conscious that public office is a public trust.

(This Code of Ethics was agreed to by the House of Representatives and the Senate as House Concurrent Resolution 176 in the Second Session of the 85th Congress. The Code applies to all Government Employees and Office Holders.)

ABOUT THIS HANDBOOK

This handbook does not replace existing laws and regulations. It was put together as a plain language guide to assure that all Employment Standards Administration workers are aware of the rules governing our behavior as Federal employees, and to serve as a reference tool which will either quickly answer a question you may have, or will lead you to the right place to find the answer.

Because individual situations differ, you should not just rely solely on the general material included here. Likewise, each ESA program may have differing rules and restrictions tailored to their specific operations. And, finally, the rules change from time to time, so that you should check the most current information should a questionable situation arise. You are encouraged to inquire to the offices listed throughout the text, or to consult the laws yourself for specific guidance. To help you do this, the text has been annotated with references to corresponding laws and regulations.

Perhaps the most practical general guidance which can be given concerning ethical conduct is the "Washington Post Rule." If you wonder about the propriety or even the appearance of an action or situation, ask yourself the question, "What would this look like described on the front page of my local newspaper?" Would you or your family be embarrassed? Would it embarrass ESA or the Department? This handbook is designed to help you recognize and avoid situations in which your conduct or actions, on and off the job, might be questioned.

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PART I

ETHICS AND CONDUCT ON THE JOB

The topics in this section are discussed in some detail since they have special impact on your everyday work. For employees within a Bargaining Unit, specific procedures for determining sanctions for misconduct are governed by the contract. Employees and their supervisors should make themselves fully familiar with applicable contract provisions.

Actual cases include:

An ESA employee was removed for a first offense of false claims for overtime pay and annual leave and for falsification of time and attendance. The severe penalty (removal) was proper, because the employee accepted pay to which she was not entitled.

An employee was reprimanded, suspended for one, and then ten days, and ultimately removed because of chronic tardiness.

Following imposition of a leave restriction for excessive absenteeism, an ESA employee was first suspended for three days and ultimately removed after continued violations of the leave restriction.

CHAPTER I

Attendance and Leave

We each have a Code of Ethics commitment to "Give a full day's labor for a full day's pay." You must account for the basic work requirement, which for a full-time employee is 80 hours every two weeks in work time or leave. The advent of flexible work schedules (flexitime) has permitted employees to adapt their arrival and departure times, and even workdays. Nevertheless, the underlying rules of time and attendance and leave reporting still apply, and bear repeating:

- **Promptness** is essential regardless of the type schedule you are on. This means being on the job when you are supposed to, including observing lunch hour time limitations. Unreliability is very unfair to your colleagues, who must shoulder your tasks as well as theirs if you are not where you are supposed to be;

- Certain designated duty hours must be observed, or, if on flexitime, leave or credit time must be requested and approved; likewise if on flexitime, core time on core days must be accounted for;

- You must obtain advance authorization for absence from duty, except in a legitimate emergency situation. Approval of leave is a discretionary matter reserved to the supervisor. The taking of leave is not your absolute right, but is conditioned on the needs of the agency. Where absence results from illness or an emergency, you are required to notify your supervisor as soon as possible. If you fail to do that, the absence may be charged as unauthorized, and may also result in disciplinary action. Sick leave is to be used only when you are incapacitated from duty because of sickness or injury, when you need to obtain treatment, or when you are required to care for a member of your immediate family who has a contagious disease.

Actual misuse of property cases include:

An ESA employee was found to be accepting collect telephone calls from a friend in another state, and was told not to accept any further calls. A later review of telephone charges revealed that additional calls totaling $1,200 had been accepted. The employee was required to repay the telephone charges and was suspended.

An employee was suspended for 14 days for copying song sheets for use by her church choir.

An investigation disclosed that three Government employees had taken approximately 30 to 40 pieces of Government property, including oak chairs, file cabinets and desks, for their own personal use. The office manager was demoted and reassigned to another office some 1,000 miles away. The two other employees received suspensions.

A hotline complaint alleged that a former high ranking Government official used an official telephone credit card for personal telephone calls totaling over $3,000. As a result of this investigation, the former employee was indicted and convicted of making false claims, ordered to make restitution in the amount of $3,100 and fined an additional $1,000.

An actual misuse of vehicle case:

A Federal employee was suspended for 30 days because the Federal vehicle assigned to him was seen by his supervisor at a convenience store on a weekend. The employee was not assigned weekend work.

CHAPTER II

Misuse of Government Property

29 CFR A 0.735-9

Employees shall not directly or indirectly use or allow the use of Government property, including leased property, for other than officially approved activities. You have a positive duty to protect and conserve such property. This rule is simply stated, yet is perhaps the most comprehensive in terms of the activities it covers. It includes use of equipment, vehicles, and supplies, as well as the facilities themselves.

A few examples of improper use of Government property include:

- Personal telephone calls may not be made on Government phones, with the exceptions that you may call home or locally, if necessary, to check on your children, or to places which can be reached only during working hours, such as a physician or dentist's office, or for emergency repairs to your home or car. Not only is the telephone use itself an unauthorized expense, but the Government is being deprived of your services during the time of the call;

- Using Government computers, typewriters, word processors, photocopy equipment, or other Government equipment for personal, charitable or community projects;

- Using Government envelopes to send job applications, payroll checks to the bank, or for any other personal matters;

- Using internal mail to circulate non-work related fliers, chain letters, and the like.

- Selling commercial products in a Government building or on Government time;

- Using a GSA or other Government-owned, leased or rented vehicle for non-official purposes (the minimum penalty for intentional misuse is a mandatory 30-day suspension);

- Using for personal purposes, or taking Federal property, including office supplies.

CHAPTER III

Use of Credentials

18 U.S.C. 1028

The use of credentials and identification cards is restricted to the employee to whom the identification was issued. These forms of identification are issued for establishing your identity, or your authority in connection with official duties. Credentials and identification cards may not be used to acquire information that is not a matter of official business, and are not to be used to exert influence or obtain, either directly or indirectly, privileges, favors, or rewards for the employee or others.

You are responsible for the safeguarding and proper use of credentials and identification cards, and for surrendering them on termination or demand by proper authority. Misuse, counterfeiting, alteration or unauthorized reproduction violates Federal law.

An actual OIG case:

- Following a complaint, an OIG investigation of a football gambling pool being operated at a Government workspace resulted in a reprimand of the pool's sponsor and new written policy directions from agency management.

CHAPTER IV

Gambling, Betting and Lotteries

29 CFR 0.735-7

Federal employees are prohibited from participating in gambling, betting and lottery activities while on Government owned or leased property or while on duty. This prohibition includes the participation in or operation of a lottery or pool, a game for money or property, or selling or purchasing numbers slips or tickets. On the other hand, it does not apply to purchasing an official lottery ticket from a private vendor on one's lunch break.

Actual cases include:

- A Government employee pled guilty to a criminal contempt charge for knowingly discussing an investigation with a newspaper reporter who later used this sensitive grand jury information in a news article. The employee was sentenced to 18 months imprisonment with 6 months to serve and 1 year probation.

- Classified documents were discovered in a filing cabinet shipped to a correctional facility. A joint OIG and FBI investigation revealed that safeguards for inspecting storage containers destined for disposal were not observed. The employees responsible were admonished and reprimanded.

CHAPTER V

Disclosure or Misuse of Official Information

29 CFR 0.735-8
18 USC 798
50 USC 783
18 USC 1905

In general, employees of the Government are prohibited from disclosing non-public information. In some cases improper disclosure is used to further a private interest or may be connected to a conflict of interest situation.

On the other hand, employees have a legal right to disclose information to the Congress should they choose to do so, just as they have a right to provide information to the OIG or a hotline.

The key rules governing disclosure of information are the Freedom of Information Act and the Privacy Act. Section 1600 of the ESA Manual of Administration thoroughly outlines coverage, exemptions, and employee responsibilities under these Acts. The procedures manuals of each program also contain guidelines on release of information regarding case files. In general, draft, unofficial policy papers and proposed budget materials are not subject to disclosure and are to be kept confidential.

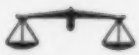
Misuse of information means using information held by the agency in an unauthorized manner for personal gain or advantage for yourself or others.

Unauthorized disclosure or misuse of information may be illegal as well as unethical. If you know or suspect someone of misusing official information, you should consult the OIG or the Solicitor's Office.

Actual cases include:

A former Government mine inspector allegedly solicited and accepted gifts, including cash, from two different coal operators in his inspection area. After he became aware of the allegations against him, he resigned from the Government.

A Government employee received a ten-day suspension without pay for receiving $600 in gratuities from a contractor.



CHAPTER VI

Gifts, Gratuities, Reimbursements and Entertainment

18 USC 201

29 CFR 0.735-14

In general, employees may not accept or solicit gifts, free services, loans, meals, entertainment or other items of value from those doing business with the Department or from those whose interests could be affected by official actions. This includes those who have interests that may be substantially affected by the performance or nonperformance of your official duties; or who have or are seeking to obtain contractual or other business or financial relations with the agency. It also includes those who may attempt to reward or influence your official actions.

ESA claims examiners, having the power to approve or disapprove compensation claims, and compliance staffs, making back wage and other decisions which can have major financial impacts on businesses, are potentially vulnerable to inducements from those who would benefit.

You should be aware that there are criminal provisions relating to the acceptance of gifts, entertainment and favors found in Title 18 of the United States Code. Questions pertaining to these areas may be referred to the Solicitor's Office or the OIG. **But a basic rule of thumb is simple: If in doubt, don't.**

It is important that employees avoid the ***appearance*** of impropriety as well. Items may not be accepted if your acceptance could affect your impartiality or give that appearance.

Following are some exceptions and other information on outside compensation and gifts in effect at the time of this publication during the summer of 1991. A number of changes in these areas are under consideration. While updating this Handbook is planned as needed, you should always check to learn the current rules should a questionable situation arise.

Exceptions

29 CFR 0.735-17

Under certain circumstances employees may accept gifts or other items such as:

- Unsolicited advertising or promotional material of nominal value such as pens, note pads and calendars;

- Awards for meritorious public contributions given by a civic, religious, professional or other type of group;

- Scholarships, fellowships and similar forms of assistance related to education or training pursued by an employee on his or her own initiative;

- Food or refreshments of nominal value on infrequent occasions in the ordinary course of business; however, circumstances under which these items are acceptable are narrowly defined, such as meals attended by a large group of people at which the employee is the guest speaker or a working meeting at which food is brought in to facilitate the continuance of the work and the food is not itself the focus of the meeting. This exception does not apply to meals at restaurants or private clubs where some business happens to be discussed.

IRS Code 501(c)(3)
29 CFR 0.735-15

- With appropriate approval, travel and subsistence expenses from designated 501(c)(3) charitable organizations, provided that all of the requirements of the Department's regulations are met; or

18 USC 209

- Any item, such as dinner, in situations where the relationship is obviously family or personal and where the circumstances are clear that it is that relationship rather than the business of the persons concerned which is the motivating factor.

Even where one of the foregoing exceptions is applicable, an employee must still avoid gifts which would appear to violate the employee's ethical obligations or compromise the appearance of impartiality.

Additional Compensation and Honoraria

As an employee of the Government, you are prohibited from receiving any salary or compensation for Government services from any source other than the United States. This law, however, does not prohibit you from continuing to participate in a bona fide employee welfare or benefit plan maintained by a former employer.

P.L. 101-194, 103 Stat. 1716, Secs 501-505

ESA/OMAP Notice 91-51 of 12-13-90

Federal workers may not receive an honorarium for an appearance or speech, or for writing an article, whether or not the subject has anything to do with their official duties. Payments for travel or other related expenses from private sources while on official business is not permitted. In some circumstances, travel and necessary expenses can be reimbursed if the travel is **not** official business.

Gifts to Supervisors

29 CFR 0.735-16

Contributions and gifts to supervisors or superiors are prohibited under most circumstances, except for those of nominal value given for special occasions, such as marriage, illness or retirement.

Actual cases include:

An ESA supervisor was living with a subordinate whom he promoted. Following a complaint to the Secretary by other workers in the office, the supervisor was demoted to a non-supervisory position and given a directed reassignment to another office.

A former Government supervisory computer systems analyst pled guilty to charges that he engaged in an illegal conflict of interest by advising departmental officials while he was still employed by the Federal Government to purchase almost $25,000 in computer equipment and subsystems from a firm that he owned. The individual was sentenced and fined.

An OIG investigation disclosed that a Government employee had conducted a joint business venture with an outside firm while he was a voting member of the Government committee that was evaluating the firm's proposal. The employee resigned in lieu of disciplinary action.

An investigation determined that a Government employee was instrumental in the awarding of a purchase order to her husband, a non-Government employee. She obscured the fact that she was married to the individual and misrepresented his qualifications to her supervisor. She was terminated from employment.

CHAPTER VII

Conflicts of Interest

18 USC 201-209
29 CFR 0.735.12

Generally speaking, employees are not permitted to have direct or indirect financial interests that conflict substantially or appear to conflict substantially with their official duties and responsibilities. This includes using your official capacity to aid or assist in the financial gain of your spouse; your minor child; your business partner; a firm in which you hold an interest; an organization in which you serve as an officer, director, trustee, partner or employee; or a person or organization in which you are negotiating for prospective employment or have an arrangement for prospective employment.

The ***appearance*** of a conflict of interest is also a violation of the ethics rules.

Examples of Conflicts of Interest Situations

The following cases are examples of possible conflict of interest situations:

- You may not have joint financial interests with employees over whom you have authority. Examples of such arrangements would be joint ownership of property, real estate, joint investments, joint or alternating payment of rent, or other substantive joint financial transactions.

- You own shares of stock in a widely-held corporation. If the value of that stock or its dividends is likely to be financially affected by a matter in which you will participate as a Government official, you would violate 18 U.S.C. 208.

- You have a part-time position with a non-Federal organization. If the organization is likely to be financially affected by a matter in which you will participate as a Government official, you would violate 18 U.S.C. 208.

- You are administering a Government contract with a firm owned by your brother-in-law. You probably would not violate 18 U.S.C. 208 because your brother-in-law's financial interests are not ordinarily considered to be yours, but you might have the appearance of a conflict, which could violate the standards of conduct.

- You are conducting a compliance review of a Government contractor. The head of this private organization asks you to meet with her to discuss leaving the Government to join her organization. Unless you immediately and completely reject the offer, or receive in advance a written waiver from the head of your employing agency, you would have to disqualify yourself from further participation in the review in order not to violate 18 U.S.C. 208.

29 CFR 0.735.12(c)

The head of your agency can grant you a waiver under 18.U.S.C. 208 if your financial interest is found to be not so substantial as to affect the integrity of your services.

Reporting Financial Holdings

29 CFR 0.735.18
5 CFR 734
E.O. 11222

Certain employees must also report their financial holdings to determine whether their interests conflict or appear to conflict with their Government duties. Covered employees must complete DL Form 1-263 or 1-264, Confidential Statement of Employment and Financial Interests. Each agency has specific requirements with respect to financial reporting. If you have questions about this requirement, contact your personnel office.

All employees in the executive pay levels and Senior Executive Service must complete SF-278, Financial Disclosure Report. These requirements also apply to all employees GS-16 and above and most Schedule C employees.

Representation Restrictions

18 USC 203
18 USC 205
29 CFR 0.735.12

There is also a specific prohibition against acting as an attorney, agent or representative of another person in matters in which the United States Government is a party or has a direct or substantial interest. This prohibition applies to representation before all agencies of Government and the courts, not just DOL. Your representation is prohibited even when uncompensated. Thus, it would be illegal to represent a friend or relative who is being audited by the IRS or to represent a non-profit organization of which you are a member before a Federal agency in a request for a grant even though you would not be paid for the representation.

18 USC 205
29 CFR 0.735.13

There are a few exceptions to the representation restrictions. You should seek advice in advance concerning these exceptions. In most instances, formal advance approval will be necessary.

PART II

CONDUCT OUTSIDE OF WORK

An actual case:

A Federal employee robbed a gas station and was arrested. Newspaper coverage of the crime mentioned his Federal employment. The employee was removed because of his dishonest conduct and because of the embarrassment to the agency.

CHAPTER VIII

Off-Work Misconduct

Even when not on the job, each of us remains a Federal worker representing the entire Federal Government as well as the Department of Labor. Our behavior and conduct during non-work hours is important and can have consequences on our employment. Employees can be disciplined, even removed, for off-duty conduct, if that misconduct has a relationship or 'nexus' to their work duties.

An actual case of the first instance appears on the adjacent page. Examples of the nexus to work duties would include a Customs inspector caught smuggling, or an Internal Revenue employee found to be cheating on his or her income tax. Those employees could be disciplined because of the relationship of their offense to their employment.

CHAPTER IX

Outside Employment or Activity

29 CFR 0.735-11

Federal employees are not supposed to hold outside jobs that could result in a conflict of interest or an appearance of a conflict with their official Government responsibilities. Nor should one hold an outside job that impairs his or her ability to perform duties acceptably, that results in criticism or that causes embarrassment to one's agency or that takes one's time and attention during official work hours.

Restrictions

There are some types of outside activities that you may be interested in pursuing such as teaching, lecturing and writing. Advance approval may be required. A few of the most important restrictions on outside activities are as follows:

- You may not use Government-financed time or supplies;

P.L. 101-194, 103 Stat. 1716, Secs 501-505

- You may not receive an honorarium for an appearance or speech, or for writing an article, whether or not the subject concerns your official duties;

- You may not use or allow the use of official information that has not been made available to the general public;

- You may not promote the use of your official title or affiliation with ESA and may not allow any suggestion of official endorsement.

18 USC 209

A separate criminal statute prohibits employees from receiving salary or anything else of monetary value from a private source as compensation for services to the Government.

Obtaining Permission

29 CFR 0.735-13

Labor Department employees considering outside jobs that might result in a conflict or an appearance of a conflict must obtain prior, written permission from the authorized supervisory level within the agency. It is important to note that supervisory permission, where required, must be requested and obtained (1) prior to beginning the employment, and (2) in writing from the appropriate supervisory level.

Each employee has the obligation to take the initiative in seeking clearance where it is required. In addition, supervisors may, on their initiative, also require clearance in situations where they think it is necessary.

The ESA Manual of Administration, Section 4603, contains a thorough discussion of when you need clearance and how to request it. In general, each Program Head is the authorizing official to approve outside employment. Because of the nature of each program, there may be additional requirements or prohibitions specific to each program. Employees can help avoid problems by finding out about the requirements and by knowing what steps to take for clearance. The OMAP Division of Internal Management Control can assist you.

Volunteerism

Most of the Chapters in this Handbook deal with things you cannot do as a Government employee. None of these restrictions, however, should be construed as discouraging volunteer activity. ESA people are involved in a wide variety of community, church and charitable activities which contribute significantly to the betterment and well-being of their communities. These endeavors are needed, and they are encouraged, recognized and applauded. Nonetheless, it should be noted that there could be circumstances in which your professional responsibilities could conflict, or give that appearance, with your role as a volunteer.

Actual political activity cases include:

A Government building management specialist was told by his superiors that he would have to resign from Government service if he wanted to take part in a partisan gubernatorial campaign. He disregarded the warning, worked on the campaign and was suspended without pay for 60 days.

A Government employment specialist ran for elective office in a partisan election after having been warned by her agency that to do so would violate the Hatch Act. After hearing and appeal the Merit Systems Protection Board ordered the employee removed from Government service.

A Government employee was charged with being a partisan candidate by running in an election for a school board position. Government officials had warned him that candidacy in a partisan election was prohibited and the Office of Special Counsel warned him to withdraw. The employee continued his candidacy. He was suspended for 45 days without pay.

CHAPTER X

Political Activities

29 CFR 0.735-10
5 USC 7321-7327
18 USC 599-609

Hatch Act restrictions cover a wide range of political activities affecting Federal employees. In general, workers may take a passive rather than an active role in any partisan politics. An election is considered to be partisan if any candidate for an elected public office is running as a representative of a political party whose presidential candidate received electoral votes in the last presidential election.

There are some jurisdictions, in and around Washington, DC, and in certain other locations with large concentrations of Federal employees, where special rules apply and do permit participation in local partisan elections. The Office of Personnel Management designates these excepted jurisdictions. The Office of Special Counsel, telephone (202) 653-7143, and the Office of the Solicitor can answer specific questions about what activity is legal.

Generally, under current law:

- You may register and vote, but you may not campaign for political parties or campaign for any candidate in a partisan election. In addition, you may not be a candidate or work in election campaigns where any candidate represents a national or state political party. In excepted localities, you may be or may work for an independent candidate in a partisan election.

- You may assist in a non-partisan voter registration drive, but you may not work to register voters in relation to any partisan effort or in connection with any partisan candidate.

- You may express personal political opinions, but you may not make campaign speeches, distribute campaign materials or engage in other such activities to elect a partisan candidate.

- You may contribute to political organizations, but you may not collect contributions or sell tickets to political party fund-raising functions. In excepted locations, you may solicit and receive contributions for an independent candidate, although not from other Federal employees.

- You may wear or display buttons, badges or stickers while off duty, but the Department imposes restrictions on wearing or displaying these items while on duty.

- You may attend political rallies and meetings, but you may not organize or manage political rallies or meetings, except for independent candidates in excepted locations.

- You may join political clubs or parties, but you may not hold office in a political club or party or participate in its management.

- You may sign nominating petitions, but you may not circulate nominating petitions for partisan candidates. You may circulate petitions for independent candidates in excepted locations.

- You may campaign for or against referendum issues, constitutional amendments, municipal ordinances, but you may not campaign for or against a partisan candidate or slate.

CHAPTER XI

Post-Employment Restrictions

18 USC 207

5 CFR 737

P.L. 101-194, 103 Stat. 17164

Former Federal employees generally are prohibited indefinitely from acting as another person's representative to the Government in matters in which the employee had been involved while in Government service. There is also a two-year ban against involvement in matters that were actually pending under the former employee's official responsibility in his or her last year of Government service. For one year after leaving the Government, former employees may not represent, aid or advise anyone on the basis of inside information, in connection with any trade or treaty negotiation in which they participated personally and substantially during their last year with the Government. The Labor Department and the Office of Government Ethics have published administrative regulations to implement these requirements.

In addition, certain high-level officials, designated by law as senior employees, have a number of special restrictions. Because each of these officials receives a personal briefing upon leaving the Government, those restrictions are not covered here.

Even in situations where there is no personal involvement to be considered, departmental rules require advance clearance in order for any former employee to appear before the Department in cases or proceedings which were pending in the relevant national or regional office of the agency when he or she worked there. These and related requirements are detailed in the post-employment regulations with which employees should be thoroughly familiar.

If you are planning to leave the Government, you should see your personnel office or contact the Solicitor's Office for more information about this law.

Actual employee debt cases include:

A Federal supervisor, excluding his house mortgage, had credit card debts totaling a year's gross income. He was so distracted and unable to concentrate at work, that he was placed on a Performance Improvement Plan, and finally received a proposal to remove. When he told his supervisor of his compulsive spending habits, he was placed on a 'last chance agreement' and referred to the Employee Assistance Program. He was further referred to a financial consultant, who totally managed his finances for four years, at which time he was out of debt and released from the 'last chance agreement.'

A Government employee's indebtedness problem became a disruption in her office as a result of her constant efforts to borrow money from her coworkers and interruptions in her work caused by frequent calls from creditors. She was no longer able to perform her duties acceptably and was asked to resign.

CHAPTER XII

Employee Debts

29 CFR 0.735-6

Financial matters are generally considered personal, but Federal employees are, by law, expected to meet their "just financial obligations." Generally, salaries are not subject to garnishment except in the case of child support and alimony payments.

In cases where indebtedness affects job performance, there may be cause for disciplinary action. In extreme cases, it is possible for an employee to lose his or her job if the indebtedness problem interferes with that employee's ability to perform the job. This is a very sensitive area, and supervisors should consult their personnel specialist and/or the Solicitor's Office before speaking with employees about such matters.

PART III

REPORTING FRAUD, WASTE AND ABUSE

CHAPTER XIII

Options Available for Reporting Allegations

DLMS 8-700

Depending upon the circumstances, several options are available to you for reporting fraud, waste or abuse.

Supervisor Notification

One of the simplest and most direct approaches employees can take is to notify their supervisors of any information they reasonably believe indicates wrongdoing. In many cases Form DL-156, the Incident Report, can be used to report allegations of wrongdoing as well.

The Hotline - FTS 357-0227, or 1-800-347-3756

Department of Labor employees and members of the general public can also make use of the Hotline, operated by the Office of Inspector General, to report fraud, waste or abuse in programs or operations. Situations for which the Hotline should be considered include any activity which constitutes a violation of federal law, mismanagement or waste of funds, abuse of authority or a danger to public health and safety, whether by employees, grantees, contractors or program participants of the Department.

Some specific examples of wrongdoing which should be reported to the Hotline include:

- submission of false claims or fraudulent statements by employees, contractors or grantees of the Department;
- conspiracy to defraud the United States;
- conflicts of interest;

- concealment, removal, falsification, forgery or alteration of official documents;

- misappropriation or embezzlement of Federal funds; and

- other serious violations or misconduct.

The identity of an individual who makes a complaint or provides information to the Labor Department's Hotline generally will not be disclosed unless the Inspector General determines such disclosure is unavoidable during the course of an investigation.

Calls are not recorded, and no attempts are made to track down anonymous callers. However, if a caller wishes to remain anonymous, that decision may limit the scope of an investigation, especially if information given by the caller is insufficient and the investigators have no way of following up the allegation.

Of course, you may report information about a wrongdoing or crime involving the Department by directly contacting the OIG's Office of Investigations, the General Accounting Office, or the Federal Bureau of Investigation.

CHAPTER XIV

Reprisals

The Inspector General Act of 1978 protects employees against reprisals for making complaints or for disclosing information to the Inspector General, unless the complaint was made with the knowledge that it was false. Employees who believe that they have been threatened or harmed in any way for making complaints may contact the Office of Inspector General or request the Office of Special Counsel or the Merit Systems Protection Board (MSPB) to review the allegations. A special hotline is operated by MSPB for reporting prohibited personnel practices such as reprisals:

Office of Special Counsel
Prohibited personnel practices unit . . . . . (202) 653-7188
Toll-Free Number 1-800-872-9855

or write: Office of Special Counsel
1120 Vermont Avenue, N.W.
Washington, D.C. 20419

CHAPTER XV

Additional Information

The following is a partial list of some of the sources that you may consult for additional information:

Title 29 C.F.R. Part O, Ethics and Conduct for DOL Employees

Executive Order 11222, Prescribing Standards of Ethical Conduct for Government Officers and Employees

Executive Order 12674, Principles of Ethical Conduct for Government Officers and Employees

18 U.S.C. Sections 201-109, Bribery, Graft and Conflicts of Interest

House Concurrent Resolution 175, 85th Congress, Code of Ethics for Government Service

Employee Handbook, U.S. Department of Labor

Federal Register of January 17, 1991, pages 1721-1730, Limitations on Outside Employment and Prohibition of Honoraria

Title 5 U.S.C. 7321 et.seq. and 18 U.S.C. 602, 603, 606, and 607; and Title 5 C.F.R. Part 733, Political Activities

Title 29 C.F.R. Sections 2.1-2.3, Post-Employment Representation

Title 48 C.F.R. Section 2903.602(b), Post-Employment Contracting

Where To Go For Advice

If you need further guidance concerning ethics laws and regulations, you can go to several places within the Department for help:

Office of the Solicitor **523-7675**

Associate Solicitor for Legislation and Legal Counsel **523-8201**

Counsel for Special Legal Services **523-8088**

Office of Inspector General **357-0492**

Hotline **357-0227**
or 1-800-347-3756

Employment Standards Administration

Division of Internal Management Control **523-9714**

Division of Personnel and Organization Management **523-7591**